## Message Text

CONFIDENTIAL PAGE 01 GENEVA 06477 01 OF 03 111535Z 41 ACTION ACDA-10 INFO OCT-01 ARA-06 EUR-12 EA-07 IO-13 ISO-00 ACDE-00 AF-08 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 SAJ-01 USIE-00 SSO-00 NSCE-00 INRE-00 NRC-05 EB-07 /129 W ----- 086628 OR 111427Z AUG 76 FM USMISSION GENEVA TO SECSTATE WASHDC IMMEDIATE 1825 INFO AMEMBASSY BONN AMEMBASSY BUENOS AIRES AMEMBASSY LONDON AMEMBASSY MEXICO CITY AMEMBASSY MOSCOW AMEMBASSY OTTAWA AMEMBASSY THE HAGUE AMEMBASSY ROME AMEMBASSY STOCKHOLM AMEMBASSY TOKYO USMISSION USUN NEW YORK USMISSION NATO ERDA HQ WASHDC

CONFIDENTIAL SECTION 1 OF 3 GENEVA 6477

DISTO

E.O. 11652: GDS TAGS: PARM, CCD

ERDA GERMANTOWN NOAA ROCKVILLE, MD

SUBJ: CCD - DRAFT ENMOD CONVENTION: USDEL COMMENTS AND

RECOMMENDATIONS ON MISCELLANEOUS ISSUES

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1. SUMMARY: FOLLOWING ARE US DEL'S COMMENTS AND RECOM-

MENDATIONS ON VARIOUS ISSUES (APART FROM ARTICLE I) THAT REMAIN UNSETTLED WITH RESPECT TO THE DRAFT ENMOD CONVENTION, INCLUDING ILLUSTRATIVE LIST OF ENVIRONMENTAL PHENOMENA (ARTICLE II); TREATMENT OF PEACEFUL ENMOD USES (ARTICLE III); DOMESTIC MEASURES TO IMPLEMENT TREATY (ARTICLE IV); PROVISION FOR PARTY'S RECOURSE TO SECURITY COUNCIL (ARTICLE V); AND REVIEW CONFERENCES (ARTICLE VII BIS). END SUMMARY.

- 2. ARTICLE II. INFORMAL CONSULTATIONS HAVE NOT RESOLVED MAIN PROBLEMS THAT AROSE AUGUST 6 WHEN CO-SPONSORS CIRCULATED IN ENMOD WORKING GROUP NEW TEXT OF ARTICLE II WITH ILLUSTRATIVE LIST OF ENVIRONMENTAL PHENOMENA SHIFTED TO AN ANNEX REFERRED TO IN THE TEXT OF THE ARTICLE. THESE PROBLEMS CONCERN (A) AUGMENTING THE LIST, AND (B) ASSUMING THE ANNEXED LIST IS AN INTEGRAL PART OF THE CONVENTION, THE LEGAL EFFECT OF AN AMENDMENT ADDING AN EXAMPLE TO THE LIST WHICH AMENDMENT IS ACCEPTED BY SOME PARTIES AND REJECTED BY OTHERS.
- 3. ON QUESTION OF ADDITIONS, ARGENTINA HAS SERVED NOTICE IT WILL PRESS FOR INCLUSION OF EXAMPLE RELATED REPEAT RELATED TO RIVER DIVERSION (ALTHOUGH BERASATEGUI HAS PRIVATELY TOLD US HE WOULD NOT INSIST ON THOSE WORDS). NETHERLANDS AND FRG ALSO WOULD LIKE SUCH AN ADDITION BUT PROBABLY WOULD NOT INSIST, ESPECIALLY NOW THAT EXAMPLES ARE REMOVED FROM ARTICLE II TEXT. CON-VERSELY, INDIA AND BRAZIL HAVE REPEATED PRIVATELY THEY WOULD NOT ACCEPT SUCH AN ADDITION AND IN FACT OPPOSE ANY CHANGE IN LIST. JAPANESE REP OGISO AUGUST 5 PRIVATELY SAID JAPAN REMAINS INTERESTED IN ADDING EXAMPLE OF POLAR ICE, BUT WOULD NOT INSIST IF THERE WERE CONSENSUS ACCEPTANCE OF PRESENT LIST. WE KNOW OF NO SPECIFIC OPPOSITION TO JAPANESE SUGGESTION. SOVIETS CONTINUE TO MAINTAIN THAT LIST SHOULD STAY AS IS. IN RESPONSE TO OUR SUGGESTION THEY AGREED SOME TIME AGO TO ASK MOSCOW TO REVIEW THIS POSITION: IN RESPONSE TO DELOFF'S QUESTION AUGUST 10 WHETHER ANYTHING HAD BEEN HEARD, SOV DELOFF MERELY REPLIED THAT USSR POSITION WAS UNCHANGED. CONFIDENTIAL

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### 4. COMMENTS AND RECOMMENDATIONS:

(A) IN VIEW OF DEEP DIVERGENCES REGARDING BOTH MAIN ISSUES RE ILLUSTRATIVE LIST, WE BELIEVE BEST COURSE WOULD BE TO SEEK TO PERSUADE SOVIETS THAT IT SHOULD BE DROPPED. DEL RECALLS THAT ORIGINAL US DRAFT CONVENTION, AS INTEGRAL PART OF CONVENTION PRESENTED IN BILA-

TERAL NEGOTIATIONS WITH USSR IN FEBRUARY 1975, DID NOT CONTAIN ILLUSTRATIVE LIST, AND NOTES THAT GUIDANCE FOR SPRING 1976 CCD SESSION (P.24) DESCRIBES LIST AS "NOT ESSENTIAL". WE WOULD ASSUME THAT IF CONSENSUS COULD BE ACHIEVED ON DROPPING ANNEXED LIST, AND PERHAPS READING IT INTO PLENARY RECORD AS AN "AGREED MINUTE," THIS WOULD BE SATISFACTORY OUTCOME FOR US.

- (B) IF SOVIETS (AND OTHERS) INSIST NEVERTHELESS ON RETAINING LIST, WE WOULD RECOMMEND SEEKING TO ATTACH MINIMUM LEVEL OF FORMALITY TO IT. THIS WOULD AT LEAST MEAN DROPPING DIRECT REFERENCE TO ANNEX IN TEXT OF ARTICLE II. IF SOVIETS STAND FIRM ON DIRECT LINKAGE BETWEEN ARTICLE AND ANNEX, AND THUS ON ANNEX AS INTEGRAL PART OF CONVENTION, WE MUST DEAL WITH QUESTION OF PROPOSED ADDITIONS. (WE MAY, OF COURSE, HAVE TO DEAL WITH ADDITIONS IN ANY EVENT, REGARDLESS OF LEGAL STATUS OF LIST.)
- (C) IF OTHER COUNTRIES JOIN ARTENTINES IN INSISTING ON ADDITION(S), AND ARE WILLING ON THAT BASIS TO JOIN IN CONSENSUS ON REST OF TREATY TEXT (INCLUDING ACCEPTABLE FORMULATION OF ARTICLE I), DEL RECOMMENDS AUTHORIZATION TO AGREE TO ADD EXAMPLE ALONG LINES OF "AN UPSET IN THE HYDROLOGICAL BALANCE OF A REGION." WE SPECULATE THAT THIS LANGUAGE COULD PROVE ACCEPTABLE COMPROMISE FOR BOTH PROPONENTS AND OPPONENTS OF AN EXAMPLE SPECIFICALLY MENTIONING RIVER DIVERSION. DELEGATION DOES NOT PERCEIVE ANY SUBSTANTIVE PROBLEMS WITH SUCH ADDITION FROM US POINT OF VIEW. (IF THIS AUTHORIZATION IS GRANTED, DEL WOULD SUGGEST PRESSING SOVIETS ALSO TO ACCEPT ADDITION OF POLAR ICE, GLACIERS, ETC., TO ACCOMMODATE CONTINUING JAPANESE INTEREST IN SUCH A CHANGE.)

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(D) WITH REGARD TO NETHERLANDS PROBLEMS ON EFFECT OF NON-ACCEPTANCE OF AMENDMENTS TO "INTEGRAL" LIST, WE ARE SYMPATHETIC TO VIEW THAT IT IS UNDESIRABLE TO HAVE PARTIES DIFFERENTLY INTERPRETING SCOPE OF BASIS ARTICLE II DEFINITION (AND, BY EXTENSION, SCOPE OF ARTICLE I SINCE IT WOULD SEEM THAT ARTICLE I PROHIBITION WOULD NOT APPLY, AS TO A PARTY NOT ACCEPTING THE AMENDMENT, TO USE OF "ENMOD" TECHNIQUES TO CAUSE THE PHENOMENON IN QUESTION. DEL IS UNCLEAR WHETHER INDIAN REP'S PROPOSAL (PARA 11 REFTEL) WOULD CURE THIS PROBLEM). WE ARE DOUBTFUL ABOUT FEASIBILITY OF APPLYING DIFFERENT REQUIREMENTS FOR ENTRY INTO FORCE OF AMENDMENT TO THE LIST, AND FOR AMENDMENT TO BODY OF CONVENTION ITSELF. IF WASHINGTON DOES NOT AGREE WITH DEL'S

# RECOMMENDATION IN (A) ABOVE, WE URGENTLY NEED FURTHER GUIDANCE RE DUTCH PROBLEM.

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INFO OCT-01 ARA-06 EUR-12 EA-07 ISO-00 IO-13 ACDE-00 AF-08

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10

NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15

SAJ-01 USIE-00 SSO-00 NSCE-00 INRE-00 NRC-05 EB-07

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OR 111427Z AUG 76

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 1826

INFO AMEMBASSY BONN

AMEMBASSY BUENOS AIRES

AMEMBASSY LONDON

AMEMBASSY MEXICO CITY

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

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C O N F I D E N T I A L SECTION 2 OF 3 GENEVA 6477

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- 5. ARTICLE III. ENMOD WORKING GROUP AGREED AUGUST 4 THAT ATTEMPT SHOULD BE MADE TO TRY TO WORK OUT COM-PROMISE ON THIS ARTICLE VIA CONSULTATIONS. CONTACT GROUP CONSISTING OF ARGENTINA, BRAZIL, US, USSR, MEXICO, ROMANIA, FRG, INDIA, ITALY, NETHERLANDS, YUGOSLAVIA, SWEDEN, EGYPT, PARISTAN AND ROMANIA (NOT ALL DELS HAVE BEEN PRESENT AT ALL MEETINGS) HAS MET REPEATEDLY AND SO FAR WITHOUT SUCCESS. OPPOSING POSITIONS GREW VERY HARD ON QUESTIONS WHETHER PRESENT CONVENTION SHOULD ALLUDE IN SOME WAY TO LACK OF INTERNATIONAL LAW SANCTION FOR PEACEFUL ENMOD USE THAT INJURES ANOTHER COUNTRY (SWEDEN AND ARGENTINA SAID THEY DID NOT WANT CONVENTION TO CONSTITUTE "BLANK CHECK" IN THIS REGARD); OR EVEN AFFIRMATIVELY DECLARE PARTIES' "RESPONSIBILITIES" IN CONNECTION WITH PEACEFUL USES (EGYPT, PAKISTAN, ITALY AT BEGINNING OF DISCUSSIONS).
- 6. ON OPPOSITE SIDE, INDIA AND BRAZIL CATEGORICALLY OPPOSED ANY RECOGNITION OF CONSTRAINTS ON PEACEFUL USES, AT LEAST IN OPERATIVE PART OF CONVENTION. US AND USSR MORE MODERATELY SOUGHT TO PERSUADE CONTACT GROUP THAT IT WAS INAPPROPRIATE IN CONVENTION ON MILITARY USE TO INCLUDE ANY PROVISION THAT PURPORTED TO LEGISLATE ON PEACEFUL USES.
- 7. A SECOND AREA PRODUCING SOME, ALTHOUGH LESS, CONTENTION CONCERNS QUESTION OF UNDERTAKINGS ON SCIENTIFIC AND TECHNICAL COOPERATION IN PEACEFUL USES OF ENMOD. CO-SPONSORS INTRODUCED DRAFT ALONG LINES OF BILOGICAL WEAPONS CONVENTION ARTICLE X BUT LIMITED TO EXCHANGE OF INFORMATION: "THE STATES PARTY TO THIS CONVENTION UNDERTAKE TO FACILITATE, AND HAVE THE RIGHT TO PARTICIPATE IN, THE FULLEST POSSIBLE EXCHANGE OF SCIENTIFIC AND TECHNOLOGICAL INFORMATION ON THE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES FOR PEACEFUL PURPOSES." MEXICO PROPOSED AN ADDITION, DRAWN FROM ARTICLE IV(2) OF THE NPT: "STATES PARTY TO THE CONVEN-TION IN A POSITION TO DO SO SHALL COOPERATE IN CONTRI-BUTING, ALONE OR TOGETHER WITH OTHER STATES OR INTER-NATIONAL ORGANIZATIONS. TO PROMOTING INTERNATIONAL ECONOMIC AND SCIENTIFIC COOPERATION IN THE UTILIZATION, CONFIDENTIAL.

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PRESERVATION AND IMPROVEMENT OF THE ENVIRONMENT FOR PEACEFUL PURPOSES, WITH DUE CONSIDERATION FOR THE NEEDS OF DEVELOPING AREAS OF THE WORLD." SEVERAL DELS, INTER ALIA ARGENTINA AND EGYPT, EXPRESSED SUPPORT, AT LEAST IN PRINCIPLE, FOR MEXICAN PROPOSAL. CO-SPONSORS STATED RESERVATIONS.

- 8. MAIN PROBLEM, HOWEVER, REMAINS QUESTION OF CONSTRAINTS ON PEACEFUL USES. ARGENTINA REP BERASTEGUI THREATENED TO ASK FOR ALTERNATE TEXTS (ACTIVISTS, CO-SPONSORS, AND INDO-BRAZILIAN DRAFT IF THEY COULD PRODUCE ONE) TO BE REPORTED TO UNGA "AND WILL SEE WHAT HAPPENS IN NEW YORK." THIS SEEMED TO HAVE MODERATING EFFECT ON INDIA AND BRAZIL, AND WHAT SEEMED IMPASSE AT WEEKEND SHOWED SOME SIGN OF BREAKING EARLY THIS WEEK.
- 9. CONTACT GROUP MEETING AUGUST 10 DISCUSSED OUTLINES OF COMPROMISE INVOLVING REFERENCE TO STOCKHOLM DECLARATION ("MINDFUL IN THIS CONNECTION") IN NEW PREAMBULAR PARA FOLLOWING PRESENT ONE ON PEACEFUL USES AND RETENTION OF SWEDISH CHANGE "THE PROVISIONS OF THIS CONVENTION SHALL NOT APPLY TO (PEACEFUL USES)" IN PARA 1 OF ARTICLE III. PARA ON INFORMATION EXCHANGE WOULD BE INTRODUCED BY "NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE.....". DISPOSITION OF MEXICAN PROPOSAL WAS NOT DIRECTLY ADDRESSED. AT END OF MEETING, ARGENTINA, WITH SOME INDICATION OF SUPPORT, PROPOSED ADDITIONAL PARA CONTAINING UNDERTAKING TO CARRY OUT FURTHER NEGOTIATIONS TO REGULATE PEACEFUL USES IN APPROPRIATE PARA.
- 10. COMMENT: HAGGLING OVER THIS ARTICLE HAS SUR-PASSED EVEN OUR MODESTLY PESSIMISTIC FORECAST OF A WEEK AGO. THERE ARE NOW SIGNS THAT A NUMBER OF DELS MAY SENSE THAT IT IS INCONGRUOUS TO LET A PERIPHERAL PROVISION BECOME A MAIN ROADBLOCK TO COMPLETION OF A TREATY TEXT. WE ARE NOT IN THE DIRECT LINE FO FIRE, EXCEPT PERHAPS WITH RESPECT TO THE MEXICAN PROPOSAL, WHICH WE PLAN TO SAY IS UNACCEPTABLE (SOVIETS LIKEWISE).

  WE WOULD APPRECIATE CONFIRMATION THAT WE ARE AUTHORIZED TO ACCEPT PREAMBULAR REFERENCE TO STOCKHOLM DECLARACONFIDENTIAL

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TION IN FORM OF "MINDFUL (OR "TAKING NOTE") IN THIS CONNECTION OF .....".

11. ARTICLE IV. DELEGATION CONSIDERS BRITISH PROPOSAL TO AMEND INDIAN COMPROMISE ON THIS ARTICLE (SEE PARA THREE GENEVA 6399) A BAD ONE, BECAUSE IT WOULD MEAN THAT A STATE

PARTY WOULD NO LONGER EVEN HAVE AN OBLIGATION TO DETERMINE WHAT ACTION WAS NECESSARY UNDER ITS OWN "CONSTITUTIONAL PROCESSES". CONSIDERATION OF "NECESSITY" BY STATE PARTY WOULD THEN APPEAR TO BE WHOLLY ARBITRARY, AND ARTICLE IV OBLIGATION THUS RENDERED ESSENTIALLY MEANINGLESS. (ORIGINAL OBLIGATION WAS UNDERTAKING OF ANY NECESSARY MEASURES). DELOFF AUGUST 10 MENTIONED THESE DIFFICULTIES TO UK DELOFF; LATTER SAID THAT IF US SIMPLY STATED PREFERENCE FOR INDIAN VERSION AT AUGUST 13 WORKING GROUP MEETING, UK WOULD WITHDRAW PROPOSAL. COMMENT: IT THUS SEEMS LIKELY THAT WORKING GROUP CAN ADOPT INDIAN ARTICLE IV TEXT AT THAT MEETING.

12. ARTICLE V. WITH ACCEPTANCE OF PROVISIONS RELATING TO CONSULTATIVE COMMITTEE (REVISED PARA 1, NEW PARA 2 AND ANNEX), WORKING GROUP APPARENTLY FACES ONLY ONE REMAINING PROBLEM: CANADIAN PROPOSAL TO SUBSTITUTE "HAS REASON TO BELIEVE" FOR "FINDS", AND "INFORMATION" FOR "EVIDENCE", IN PARA 3 OF PRESENT DRAFT (WHICH WILL BECOME PARA 4), RELATING TO COMPLAINTS TO UN SECURITY COUNCIL. AT AUGUST 6 WORKING GROUP MEETING, CANADIAN ACTING REP RECALLED THAT THIS ISSUE WAS OUTSTANDING AND PRESSED COSPONSORES FOR RESPONSE TO PROPOSAL (SEE PARA SEVEN, GENEVA 6399).

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ACTION ACDA-10

INFO OCT-01 ARA-06 EUR-12 EA-07 IO-13 ISO-00 ACDE-00 AF-08

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10

NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15

SAJ-01 USIE-00 SSO-00 NSCE-00 INRE-00 NRC-05 EB-07

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O R 111427Z AUG 76 FM USMISSION GENEVA TO SECSTATE WASHDC IMMEDIATE 1827 INFO AMEMBASSY BONN AMEMBASSY BUENOS AIRES

AMEMBASSY LONDON

AMEMBASSY MEXICO CITY

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

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13. DEL IS AWARE THAT "FINDS" IS USAGE IN CORRESPONDING PROVISION IN BIOLOGICAL WEAPONS CONVENTION. WE SUGGEST, HOWEVER, THAT CANADIAN PROPOSAL HAS MERIT, ESPECIALLY IN CONNECTION WITH ENMOD TREATY. "FINDS" IMPLIES GREATER DEGREE OF CERTAINTY THAT SHOULD BE REQUIRED IN SITUATION WHERE TIMELY INTERVENTION BY SECURITY COUNCIL COULD ELIMINATE OR AT LEAST MINIMIZE ACTUAL DAMAGE TO THE AFFECTED STATE. LANGUAGE IN UN CHARTER ARTICLES 33 AND 34 WOULD SEEM TO CONTEMPLATE POSSIBLE SECURITY COUNCIL ACTIVATION AT STAGE CORRESPONDING TO THAT IMPLIED BY "HAS REASON TO BELIEVE" RATHER THAN "FINDS". MOREOVER, INASMUCH AS NEW PROVISIONS ON CONSULTATIVE COMMITTEE USE TERM "FINDINGS OF FACT", WE SUGGEST THERE MAY BE UNDESIR-ABLE DIFFERENT USE OF THE ROOT VERB IN THE SAME ARTICLE IF "FINDS" IS RETAINED IN PARA ON SECURITY COUNCIL. DEL THEREFORE RECOMMENDS AUTHORIATION TO TELL SOVDEL WE ARE PREPARED TO ACCEPT CANADIAN AMENDMENTS AND SUGGEST THAT BOTH CO-SPONSORS SO INFORM WORKING GROUP.

14. ARTICLE VII - BIS (REVIEW CONFERENCES.) IT APPEARS THAT ALL DELS EXCEPT US ARE PREPARED TO ACCEPT COMPROMISE FORMULATION INCLUDING PARA 3 (POSSIBLY AMENDED TO ADD PRECISION ON HOW DEPOSITARY GOES ABOUT CONVENING THE CONFERENCE). WHEN COMPROMISE TEXT WAS READ OUT IN WORKING

GROUP AUGUST 6, US DEL RESERVED POSITION; A MOMENT LATER, SOV DELOFF PRIVATELY ASKED WHY WE COULD NOT AGREE TO THE COMPROMISE. WE TOLD HIM WASHINGTON WAS RELUCTANT TO HOLD ANY REVCON SUBSEQUENT TO FIRST ONE ON AUTOMATIC BASIS, REGARDLESS OF PARTIES' INTEREST OR LACK OF IT. SOV DELOFF NOTED THIS WITHOUT COMMENT.

15. DELS AFFIRMATIVELY SUPPORTING PROVISION ALONG LINES OF PARA 3 HAVE MADE POINT THAT, IN TIME FRAME THAT AS PRACTICAL MATTER WOULD APPLY TO INVOKING PARA 3 (CA. 1993-4), REVCON MAY WELL BE INDICATED IN LIGHT OF NEW TECHNICAL DEVELOPMENTS, REGARDLESS WHETHER MAJORITY OF PARTIES MAY BE AWARE OF SUCH DEVELOPMENTS. WE SEE CERTAIN MERITS IN THIS ARGUMENT, ESPECIALLY WITH RESPECT TO THIS TREATY THAT DEALS WITH A FIELD OF ACTIVITY IN ITS EARLY STAGES. WE ARE ALSO AWARE, HOWEVER, OF PRECEDENT PROBLEM IF US ACCEPTS PRINCIPLE OF AUTOMATICALLY CONVENING A CONFIDENTIAL

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REVCON SUBSEQUENT TO FIRST ONE WITHOUT REFERENCE TO ANY INTEREST ON PARTIES' PART.

- 16. RECOMMENDATIONS. WE THINK THERE IS REASONABLY GOOD POSSIBILITY OF GAINING WORKING GROUP ACCEPTANCE OF MODIFICATION OF PARA 3 ALONG FOLLOWING LINES:
- "3. IF NO REVIEW CONFERENCE HAS BEEN CONVENED PURSUANT TO PARAGRAPH 2 OF THIS ARTICLE WHEN TEN YEARS HAVE ELAPSED SINCE THE CONVENING OF THE CONFERENCE PURSUANT TO PARAGRAPH 1 OF THIS ARTICLE, THE DEPOSITARY SHALL SOLICIT THE VIEWS OF ALL STATES PARTY TO THIS CONVENTION ON THE DESIRABILITY OF HOLDING SUCH A CONFERENCE. IF ONE-THIRD OR MORE OF THE STATES PARTY RESPOND AFFIRMATIVELY, THE DEPOSITARY SHALL TAKE IMMEDIATE STEPS TO CONVENE THE CONFERENCE."

DEL SUGGESTS THAT ANOTHER ACCEPTABLE VARIANT OF PROVISION FOR REVCONS AFTER FIRST ONE WOULD LEAVE UP TO EACH REVCON THE QUESTION OF CONVENING A SUCCEEDING CONFERENCE, TO BE DECIDED BY A MAJORITY OF PARTIES ATTENDING. A MINIMUM PERIOD BETWEEN CONFERENCES WOULD OF COURSE BE STIPULATED. SUCH A PROVISION MIGHT READ:

"2. THE REVIEW CONFERENCE SHALL DETERMINE, IN ACCORDANCE WITH THE VIEWS OF A MAJORITY OF THOSE PARTIES ATTENDING, WHETHER AND WHEN AN ADDITIONAL REVIEW CONFERENCE SHALL BE CONVENED, PROVIDED THAT SUCH CONFERENCE SHALL NOT TAKE PLACE BEFORE ( ) YEARS HAVE ELAPSED SINCE THE PRIOR CONFERENCE. THE QUESTION OF HOLDING ANY SUBSEQUENT REVIEW CONFERENCE SHALL BE DECIDED IN THE SAME MANNER."

WE RECOMMEND AUTHORIZATION TO PUT EITHER OR BOTH ABOVE VERSIONS FORWARD AT WORKING GROUP.

17. IT ALSO OCCURS TO US THAT A NUMBER OF DELEGATIONS COULD BE SIGNIFICANTLY INDUCED TOWARD ACCEPTING SUCH A MODIFICATION IF IN PUTTING IT FORWARD WE ALSO USED EXISTING AUTHORIZATION AND STATED OUR WILLINGNESS TO ADD TO PARA 1 OF ARTICLE VII BIS THE FOLLOWING: "AND TO APPRAISE ITS EFFECTIVENESS IN ELIMINATING THE POTENTIAL DANGER OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODICONFIDENTIAL

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FICATION TECHNIQUES." OBVIOUSLY, SUCH AN OFFER IS KEYED TO ARTICLE I RATHER THAN THE REVCON ARTICLE AS SUCH. WE THINK, HOWEVER, THAT IT WOULD HELP CEMENT ACCEPTANCE OF THE THRESHOLD APPROACH AND SIMPLIFY OUR REMAINING PROBLEMS RELATING TO TREATY SCOPE AND ITS FORMULATION.CATTO

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## Message Attributes

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**Current Classification: UNCLASSIFIED** 

Concepts: POLICIES, AGREEMENT DRAFT, ENMOD, TEXT

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